

## **SECTION III**

### **NEGATIVE DECLARATION PURSUANT TO TITLE 14, CHAPTER 3, SECTIONS 15000. et seq. CALIFORNIA CODE OF REGULATION**

#### **Project Title**

**ADOPTION OF CLEANUP AND ABATEMENT ORDER R5-2008-XXX, FOR  
FRANK AND SHARI GUINTA AND JAMES AND MARILYN RAMSEY FOR  
2072 WEST YOSEMITE AVENUE, SAN JOAQUIN COUNTY**

#### **Project Description**

The California Regional Water Quality Control Board, Central Valley Region, (Board) proposes to issue a new Cleanup and Abatement Order in accordance with Section 13304 of the California Water Code in response to an unauthorized release of petroleum hydrocarbons.

Mr. Frank Guinta, Ms. Shari Guinta, Mr. James and Mrs. Marilyn Ramsey (hereafter collectively known as Dischargers) owned and/or operated Frank's One Stop gasoline service station (Site) located at 2072 West Yosemite Avenue in Manteca. On 2 May 1992, the San Joaquin County Environmental Health Department (SJCEHD) submitted an Unauthorized Release Report for a gasoline leak from the fuel dispensers at the Site. In June 1998, two 10,000-gallon diesel underground storage tanks (USTs) and four 10,000-gallon gasoline USTs were removed. Petroleum hydrocarbons, including methyl-tert butyl ether (MTBE), were detected in soil and groundwater samples from the tank excavation. In August 2000, an approved interim groundwater pump and treat system was initiated. In September 2000, 13 offsite residential supply wells were discovered impacted by petroleum hydrocarbons from the Site, and wellhead treatment systems were installed. On 1 January 2003, the Discharger's consultant turned off the on-site remedial system. The Dischargers did not comply with SJCEHD's directive to restart the remedial system immediately, and in March 2003, the Water Board obtained lead agency status.

On 18 August 2003, the Water Board's Executive Officer issued Cleanup and Abatement Order (CAO) No. R5-2003-0713. The CAO directed the Dischargers to maintain and test domestic wellhead treatment systems, submit a Site Investigation Report, a Corrective Action Plan Report, and Quarterly Monitoring Reports and to implement remedial actions. On 16 November 2004, the Water Board's UST Program Manager issued a subsequent Notice of Violation letter for failure to comply with the CAO. Since January 2005, the Dischargers have not maintained or tested the domestic well-head treatment systems nor submitted the requisite reports. Prior remedial efforts at the site included removal of leaking underground storage tanks and associated piping, overexcavation of

contaminated soils, groundwater pump and treatment, soil vapor extraction, and air sparging. Currently maintenance, sampling and analyses of the private wellhead treatment systems, and other corrective action activities are being conducted at the State's expense.

The purpose of the proposed CAO is to update the findings in a new CAO, set new due dates for investigation and cleanup, and reflect current site conditions.

The proposed CAO contains Findings which describe the cause of the release, activities which have been conducted to date, detection levels and analytical methods used, and failure of Responsible Parties to comply with the prior CAO. The proposed CAO requires those action necessary to delineate the plume and clean up the impacted State's groundwater resources.

## **FINDINGS**

Based upon review of similar unauthorized release cases, field inspections during remedial process implementation, collection of soil and groundwater samples, and numerous site, and surrounding area, evaluations Regional Water Quality Control Board staff have evaluated potential impacts, their significance and mitigation. The conclusion is that the project will not have a significant adverse impact, either individually or cumulatively, on the environment or surrounding public. Potential significant impacts will be mitigated as follows:

1. Discharges of wastewater to surface waters will be mitigated by requiring compliance with the issuance of an adopted NPDES discharge permit, issued by the Regional Water Quality Control Board. Any other above ground wastewater discharge will be required to be discharged to the local sanitary sewers by approved permit, monitoring, and inspection from said agency.
2. Objectionable odors, dust, or fugitive vapors will be mitigated by compliance with all applicable local Environmental Health Department, jurisdiction Air Quality Management District, State, and Federal, air quality regulations and permits. This will include regular inspections and monitoring throughout the life of the project.
3. Potential for creation of human health hazards will be mitigated by current, state of the art backflow prevention and emergency shut-off mechanism on all treatment units.

Agreement of the project proponent is normally a prerequisite to adoption of a Mitigated Negative Declaration. In this instance, the Board, as a Lead Agency, has authority pursuant to Section 13304 of the California Water Code to direct responsible parties to take any necessary actions to effect cleanup and abatement of the existing nuisance and pollution. State Water Resources

Control Board Resolution No. 92-49 establishes that Board responsibility under Section 13304 includes an obligation to require investigation and cleanup in a progressive sequence, including review of all proposed work and concurrence with any cleanup or abatement proposal it finds has a substantial likelihood to achieve compliance. Resolution No. 92-49 also established a technical conflict resolution process for disagreements, and any aggrieved party also has the right to petition an order adopted by the Board. The Board can withhold concurrence of a project that is inadequate and may also initiate enforcement for noncompliance with directives. Advance agreement of project modification by the project proponent is not necessary to support use of a Mitigated Negative Declaration in this instance.

Copies of the Negative Declaration can be obtained by request to the Regional Water Quality Control Board, which is the lead agency. Requests should be addressed to:

Central Valley Water Quality Control Board,  
Central Valley Region  
11020 Sun Center, Drive, Suite 200  
Rancho Cordova, CA 95670  
Atten: James Barton, Engineering Geologist  
(916) 464-4615